

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANE DOE, *et al.*,

Plaintiffs

vs.

DEAN BOLAND

Defendant

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) CASE NO.1: 07 CV 2787
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) JUDGE Daniel A. Polster
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) **Plaintiffs’ Motion to Strike**
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Now come the Plaintiffs and move this court for an order striking any portion of the defendant’s reply brief that infers or states that plaintiffs’ counsel possessed the images he created which are the subject of this lawsuit for two reasons:

1. There is no proof before the court that is admissible pursuant to the federal rules of procedure regarding this issue. F.R.C.P. 56(c) states that a court may render summary judgment “if the pleadings, the discovery and disclosure materials on file, and any affidavits show that

there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” There is no pleading, discovery document, disclosure material on file, or affidavit which supports the claim that plaintiffs’ counsel possessed the sexually explicit images that defendant created. This includes plaintiffs’ counsel’s fee bills which were attached as Exhibit 5 and updated Exhibit 5.

2. The claim that plaintiffs’ counsel possessed these images is not true. Any correspondence, that might have contained the sexually explicit images received from persons or courts that defendant distributed the images to, was taken unopened to the FBI office in Cleveland, Ohio. The correspondence was opened by SA Charles Sullivan who immediately placed any sexually explicit images into evidence.

WHEREFORE, Plaintiffs move this court for an order striking any portion of the defendant’s reply or brief that is not supported by evidence which is admissible under the federal rules of civil procedure.

Respectfully submitted,

/s/ Jonathan E. Rosenbaum
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Proof of Service

A true and accurate copy of the foregoing has been electronically served this 19th day of August, 2011 by the Court's electronic filing system.

/s/ Jonathan E. Rosenbaum

JONATHAN E. ROSENBAUM

Supreme Court Reg. No. 0021698

Attorney for Plaintiffs